

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRENCE HESTER,

Plaintiff,

vs.

Case No. 12-CV-13015
HON. GEORGE CARAM STEEH

MICHIGAN STATE POLICE
TROOPER MARK MILLER,

Defendant.

ORDER DENYING IN PART DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT (DOC. # 17)

This is an excessive force civil rights case in which plaintiff Terrence Hester alleges the improper use of handcuffs by defendant, Michigan State Police Trooper Mark Miller. The court held oral argument on defendant's motion for summary judgment on September 23, 2013. As stated and for the reasons given on the record, all of plaintiffs' state law claims are **DISMISSED**; however, defendant's motion for summary judgment as to plaintiff's Fourth Amendment excessive force claim brought under 42 U.S.C. § 1983 is **DENIED**.

The court has set new dates in this matter as follows:

Final pretrial order due: 10/21/13

Final pretrial conference: 10/28/13 at 9:00 a.m.

Jury trial: 11/12/13 at 9:00 a.m.

IT IS SO ORDERED.

Dated: September 23, 2013

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
September 23, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk